

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**FIRST SET OF INFORMATION REQUESTS OF
SHREWSBURY'S ELECTRIC LIGHT PLANT TO
FIBER TECHNOLOGIES NETWORKS, L.L.C.**

D.T.E. 01-70

Pursuant to 220 C.M.R. 1.06(b)(c), Shrewsbury's Electric Light Plant ("SELP") submits to Fiber Technologies Networks, L.L.C. ("Fibertech") the following information requests.

INSTRUCTIONS

The following instructions apply to this set of Information Requests and all subsequent Information Requests issued by SELP to Fibertech in this proceeding.

1. Each request should be answered in writing on a separate three-hole punched page with a recitation of the request, a reference to the request number, the docket number of the case and the name of the person responsible for the answer.
2. Please do not wait for all answers to be completed before supplying answers. Provide the answers as they are completed.
3. These requests shall be deemed continuing so as to require further supplemental responses if Fibertech or its witness receives or generates additional information within the scope of these requests between the time of the original response and the close of the record in this proceeding.
4. The term "document" is used in its broadest sense and includes, without limitation, writings, drawings, graphs, charts, photographs, phono-records, microfilm, microfiche, computer printouts, correspondence, handwritten notes, records or reports, bills, checks, articles from journals or other sources and other data compilations from which information can be obtained and all copies of such documents that bear notations or other markings that differentiate such copies from the original.
5. If Fibertech refuses to answer any question or withhold any document on the basis of privilege, please state the basis for such refusal.
6. Provide responses to these requests no later than 5:00 p.m. on November 12, 2001.

DEFINITIONS

1. “Fibertech” refers to the Complainant Fiber Technologies Networks, L.L.C., its employees, officers, directors, shareholders, agents, and any other person acting or purporting to act on behalf of Fibertech including without limitation, any attorney employed or retained by it, and its predecessors, successors, affiliates, partners, subsidiaries and parent companies.
2. “SELP” refers to Shrewsbury’s Electric Light Plant.
3. The term “all” as used herein also shall mean “any and all.”
4. The terms “and” and “or” as used herein shall be construed conjunctively or disjunctively to bring within the scope of these information requests any and all information which might otherwise be construed as outside their scope.
5. The term “concerning” means referring to, describing, evidencing, or constituting.
6. Unless otherwise specified, the time period for these information requests is from 1999 to the present.

INFORMATION REQUESTS

- SELP 1-1: Please provide Fibertech's incorporation documents.
- SELP 1-2: (a) What is the relationship between Fibertech and a company that is, or was, doing business as "White Knight."

(b) Please provide all documents relating to the relationship between Fibertech and “White Knight.”
- SELP 1-3: Please provide copies of any pole attachment or aerial license agreements that Fibertech has executed with any utility pole owner or co-owner in Massachusetts.
- SELP 1-4: Please refer to Paragraph 33 of the Complaint. If it is Fibertech's allegation that no municipal grant of location is required in Shrewsbury in

order to attach its dark fiber to SELP's poles, please explain why has Fibertech applied for a grant of location pursuant to G.L. c. 166, § 22 in Shrewsbury.

SELP 1-5: Please provide copies of all documents concerning Fibertech's attempts to seek attachment to SELP's poles.

SELP 1-6: Please refer to Paragraph 4 of the Complaint.

(a) Does Fibertech currently have any signed leases for its "dark fiber for use by communications carriers?"

(b) If so, please provide copies of such leases.

SELP 1-7: Please provide copies of all documents concerning Fibertech's "dark fiber" customers, including terms and conditions and rates for services offered.

SELP 1-8: Please provide copies of all documents concerning Fibertech's local exchange voice, interexchange and data services customers.

SELP 1-9: Please refer to Paragraph 30 of the Complaint. Please state all facts relied upon to support the statement that "Fibertech's fiber is 'cable for the transmission of intelligence'."

SELP 1-10: Please describe in detail the technical steps that must be taken by Fibertech in order to light its fiber optic cable.

(a) Please include in your description, from a technological perspective, what exactly must be done by Fibertech in order for it to offer, itself, local exchange voice, interexchange and data services to end users in Massachusetts.

(b) Also include in this description any necessary licenses and agreements that must be secured by Fibertech in order to offer such service, and provide copies of any such licenses and agreements that Fibertech has executed, including any interconnect agreements in Massachusetts.

SELP 1-11: Please refer to Paragraphs 4 and 28 of the Complaint. In reference to the statement that "[a]s market conditions and economic conditions dictate, Fibertech intends to supplement these offerings with additional services including local exchange voice and data service...", does Fibertech currently offer such local exchange voice, interexchange or data services to any customers in Verizon's service territory?

- SELP 1-12: Please refer to Paragraph 4 of the Complaint. Please provide all documents, including any business plans, internal memoranda, and promotional materials concerning the "market conditions and economics" that would lead Fibertech to offer local exchange voice and data services.
- SELP 1-13: Please refer to Paragraph 27 of the Complaint. Does Fibertech currently offer cable television service to end users in Massachusetts?
- (a) If not, please provide all documents, including business plans, internal memoranda and promotional materials, if any, concerning Fibertech's intention to offer cable television service to end users in Massachusetts.
- (b) Also provide all documents concerning applications, licenses, approvals and franchises applied for by Fibertech in connection with the provision of cable television service.
- SELP 1-14: Please refer to Paragraph 28 of the Complaint. Does Fibertech have any leases with providers of cable television service? If so, please provide copies of any such leases.
- SELP 1-15: Please provide documents concerning "Statement of Business Operations and proposed tariff" filings referenced in Paragraph 4 of the Complaint.
- SELP 1-16: Please refer to Paragraph 8 of the Complaint. Please state all facts that form the basis of your claims that Fibertech is "a telecommunications provider within the meaning of 47 U.S.C. § 224."
- SELP 1-17: Please refer to Paragraph 8 of the Complaint.
- (a) Please state all facts that form the basis of your claims that Fibertech is "a common carrier within the meaning of G.L. c. 159, § 19."
- (b) Does Fibertech provide any service for fee directly to any residential customer in Massachusetts?
- (c) If the answer to sub-part (b) of this question is affirmative, please provide documents concerning the provision of such service to residential customers in Massachusetts.
- SELP 1-18: Please refer to Paragraph 8 of the Complaint.
- (a) Please state all facts that form the basis of your claim that Fibertech is "a person, firm or corporation authorized to construct lines along, under and across public ways."

(b) From whom did Fibertech receive such authorization, and when?
Please provide all documents referencing such authorization.

SELP 1-19: Please refer to Paragraphs 4 and 28 of the Complaint.

(a) If Fibertech has no immediate plans to offer local exchange, interexchange or data services in light of the statement in Paragraph 4 that is is "offering, initially, dark fiber for use" by others, why did Fibertech seek to register as a competitive local exchange carrier ("CLEC") with the DTE?

(b) Please provide all documents concerning Fibertech's decision to become registered as a CLEC in Massachusetts.

Respectfully submitted,

Kenneth M. Barna
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Dated: November 2, 2001